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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,704	11/30/2001	Frankie James	7781.0036-00	4300

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/997,704	<b>Applicant(s)</b> JAMES ET AL.	
	<b>Examiner</b> Tadesse Hailu	<b>Art Unit</b> 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 32, 48, 64 and 80 is/are allowed.
- 6) ☒ Claim(s) 1, 9-15, 17, 25-31, 33, 41-47, 49, 57-63, 65 and 73-79 is/are rejected.
- 7) ☒ Claim(s) 2-8, 18-24, 34-40, 50-56 and 66-72 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This Office Action is in response to the Remarks and Arguments submitted on Nov. 30, 2004 for patent application number 09/997,704 filed 11/30/2001.

### ***Status of the claims***

2. The pending claims 1-80 are examined herein as follows.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9-14, 17, 25-30, 33, 41-46, 49, 57-62, 65, 73-78, 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger (US Pub No. 2002/0190946) in view of JP 2001-134533 (computer translated).

The current invention relates to a speech interface for a graphical user interface (GUI) and a method for interfacing with a graphical user interface using the same. The current invention interacts (through speech) with the displayed screen objects ("screen areas").

#### With regard to claim 1:

As per "A method for providing speech control to a graphical user interface (GUI) containing objects to be selected," Metzger discloses a method of pointing or indicating

on screen by a user using at least speech control method (e.g., paragraphs 210 and 216).

As per "dividing the GUI into a plurality of screen areas;" Metzger further discloses dividing the screen into a plurality of areas, which are assigned area-designation codes, commands or menus (e.g., paragraphs 12, 83, and Figs. 2A-2D).

As per "receiving a first audio input relating to the selection of one of the objects in the GUI;" Metzger further discloses speech entry system to select one of the objects in divided screen, for example, saying "drag" selects the object and displays the virtual keyboard, as described above. Saying, "drop", drops the object (e.g., paragraphs 196, 209 and 211).

Although Metzger describes selecting one of the displayed object, and the object matching the audio input (e.g. paragraph 213), and although Metzger describes addressing priority of screen objects (e.g., paragraphs 53, and 185), But Metzger does not expressly describe "assigning priorities to the screen areas;" as a result Metzger also fails to describe "determining the one of the screen areas that has the highest priority and includes a first object matching the first audio input; and selecting the first object, if the determined screen area only contains one object matching the first audio input."

However, JP 2001-134533 (computer translated) (herein after "JP Patent") discloses the above limitations. That is, display procedure of user interface screen for Internet, involves assigning priority to each divided screen, based on which data are divided and transmitted to user interface terminal.

Metzger and the JP Patent are analogous art because they are from the same field of endeavor, screen display interface.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the priority attachment or assignment to each divided portion of the divided screen areas of the JP Patent with divided screen areas of Metzger because as described in the JP Patent, since each screen areas has a priority attachment or assigned, user of the system can operate or interact immediately according the priority level and queuing time for operation is reduced and response and operatively of the system with respect to the user are improved (the Abstract).

Therefore, it would have been obvious to combine Metzger and the JP Patent to obtain the invention as specified in claim 1.

With regard to claims 17, 33, 49 and 65:

Independent claims 17, 33, 49, and 65 are rejected for reasons similar to those given for the rejection of claim 1.

With regard to claims 9, 25, 41, 57, and 73:

Metzger in view of the JP Patent describes, "assigning priorities to the screen areas includes assigning priorities to the screen areas based on usage." (JP Patent, paragraphes, 19, 20).

With regard to claims 10, 26, 42, 58, and 74

Metzger in view of the JP Patent describes, "assigning priorities to the screen areas includes assigning adjustable priorities to the screen areas." (JP Patent, paragraphe, 14)

With regard to claims 11, 27, 43, 59, and 75:

Metzger in view of the JP Patent describes, "indicating the one of the screen areas having the highest priority." (JP Patent, paragraphe 12, Fig. 5).

With regard to claims 12, 28, 44, 60, and 76:

Metzger in view of the JP Patent "indicating the highest priority screen area includes indicating the highest priority screen area with a visual output." (JP, paragraphs 12).

With regard to claims 13, 29, 45, 61, and 77:

Metzger in view of the JP Patent "indicating the highest priority screen area with visual output includes indicating the highest priority screen area with a visual output that includes highlighting." (e.g. Figs. 4-5)

With regard to claims 14, 30, 46, 62, and 78:

Metzger in view of the JP Patent "confirming the receipt of the first audio input." Metzger, paragraphs 196 and 211).

With regard to claims 15, 31, 47, 63, and 79:

4. Claims 15, 31, 47, 63, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger (US Pub No. 2002/0190946) in view of JP 2001-134533 (computer translated) as applied to claims 1, 17, 33, 49 and 65 above, and further in view of Sciammarella (US Pat No. 6,081,266).

While Metzger in view of JP Patent as applied in the above claims describes audio input or speech interface to select a displayed object, but Metzger in view of JP Patent does not describe further that "confirming the receipt of the first audio input

includes confirming the receipt of the first audio input with an audio output.” However, Sciammarella discloses interactive control of audio outputs on a display screen (Abstract). Sciammarella further describes the above limitation (column 1, lines 47- column 2, lines 7).

Metzger, the JP Patent and Sciammarella are analogous art because they are from the same field of endeavor, screen display interface.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the acknowledge of audio input with audio output of Sciammarella with speech interface of Metzger and the JP Patent because in addition to confirming a user input via a visual output, the system of Metzger and the JP Patent also will be enable to incorporate the audible output to confirm the user’s audio (speech) input, this is an enhancement to the system

Therefore, it would have been obvious to combine Sciammarella, Metzger and the JP Patent to obtain the invention as specified in claims 15, 31, 47, 63, and 79.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-80 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

6. Claims 16, 32, 48, 64, and 80 are allowed.

The following is an examiner’s statement of reasons for allowance:

The prior art of records fail to disclose at least "a method comprising using a second input to select one of the object that matches the first audio input in the determined screen area, if the determined screen area contains more than one object that matches the first audio input;" as claimed in method claim 16 and computer readable medium claim 64, system claim 48 and apparatus claims 32 and 80.

7. Claims 2-8, 18-24, 34-40, 50-56, 66-72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of records fail to disclose at least "a method comprising using a second input to select one of the object that matches the first audio input in the determined screen area, if the determined screen area contains more than one object that matches the first audio input;" as claimed in method claim 2 and readable medium, system and apparatus claims.

#### CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

9. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Application/Control Number: 09/997,704

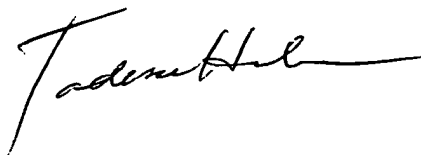
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Art Unit: 2173

Examiner Tadesse Hailu

Art Unit 2173 – Operator Interface

2/4/05

A handwritten signature in black ink, appearing to read "Tadesse Hailu", with a long horizontal flourish extending to the right.